



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815
(916) 323-2514 • (916) 324-0908 FAX • WWW.CALEPA.CA.GOV

LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

ARNOLD SCHWARZENEGGER
GOVERNOR

Certified Mail: 7003 1680 0000 6167 7145

September 7, 2010

Mr. Steve Anderson
Hazardous Materials Officer
City of Roseville Fire Department
401 Oak Street, Suite 402
Roseville, California 95678

Dear Mr. Anderson:

The California Environmental Protection Agency (Cal/EPA), California Emergency Management Agency, Office of the State Fire Marshal, Department of Toxic Substances Control, and the State Water Resources Control Board conducted a program evaluation of the City of Roseville Fire Department Certified Unified Program Agency (CUPA) on April 6 and 7, 2010. The evaluation was comprised of an in-office program review and field oversight inspections by State evaluators. The evaluators completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff. The Summary of Findings includes identified deficiencies, a list of preliminary corrective actions, program observations, program recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that the City of Roseville Fire Department's program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agency's progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Mary Wren-Wilson every 90 days after the evaluation date; the next report is due on October 4, 2010.

Cal/EPA also noted during this evaluation that the City of Roseville Fire Department has worked to bring about a number of local program innovations, including maintaining an excellent outreach program for the public and regulated community, and a compliance incentive program for its regulated community. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program website to help foster a sharing of such ideas statewide.

Mr. Steve Anderson
Page 2
September 7, 2010

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or email jbohon@calepa.ca.gov.

Sincerely,

[Original signed by Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure

cc: Sent via email:

Mr. Sean Farrow
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Ms. Jennifer Lorenzo
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Mark Pear
Department of Toxic Substances Control
700 Heinz Avenue, Suite 210
Berkeley, California 94710-2721

Mr. Jack Harrah
California Emergency Management Agency
3650 Schriever Avenue
Mather, California 95655-4203

Mr. Steve Anderson
Page 3
September 7, 2010

cc: Sent via email:

Ms. Terry Brazell
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Kevin Graves
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Ms. Asha Arora
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Mr. Charles McLaughlin
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

Mr. Ben Ho
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Chief Robert Wyman
California Emergency Management Agency
3650 Schriever Avenue
Mather, California 95655



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Enclosure



LINDA S. ADAMS
SECRETARY FOR
ENVIRONMENTAL PROTECTION

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815
(916) 323-2514 • (916) 324-0908 FAX • WWW.CALEPA.CA.GOV

ARNOLD SCHWARZENEGGER
GOVERNOR

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: Roseville City Fire Department

Evaluation Date: April 6 & 7, 2010

EVALUATION TEAM

Cal/EPA: Mary Wren-Wilson
SWRCB: Sean Farrow
Cal EMA: Jack Harrah
DTSC: Mark Pear
OSFM: Jennifer Lorenzo

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Mary Wren-Wilson at (916) 323-2204.

Preliminary Corrective Action

Deficiency

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	<p>The CUPA is not accurately reporting information requested on the Annual Single Fee and Enforcement Summary Reports 2 and 4. Examples are included below:</p> <p>Annual Single Fee Summary Report 2 for Fiscal Year (FY) 08/09:</p> <ul style="list-style-type: none">Although the report is showing a total amount of \$37243.24 single fees waived, there are no state surcharges being shown as waived.The Total Businesses Subject to CalARP Program Surcharge is listed as 298, while the actual count is 3.The number of Underground Storage Tank (UST) Facilities listed (51) is not consistent with the count listed on Summary Report 3 (54). <p>Annual Single Fee Summary Report 2 for FY 06/07:</p> <ul style="list-style-type: none">There is no number recorded in the	<p>Beginning immediately, the CUPA staff will review the instructions for the Annual Summary Reports. Instructions may be found on the Cal/EPA Unified Program Web site at http://www1.calepa.ca.gov/CUPA/Publications/.</p> <p>Before the Deficiency Status Update 2, due January 2, 2011, the CUPA will develop and implement a process to ensure that the information required on the Annual Summary Reports are obtained and reported as accurately as possible. For any discrepancies, explanations should be noted as footnotes at the end of the report and/or summarized in the annual self-audit.</p> <p>By September 30, 2010, the CUPA will submit its FY 09/10 Annual Summary Reports to Cal/EPA.</p>

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

	<p>“Underground Storage Tanks” field, while the actual count is 61.</p> <p>Annual Enforcement Summary Report 4 FY’s 07-09:</p> <ul style="list-style-type: none"> The total number of informal enforcement actions reported does not accurately reflect the actual number of informal enforcement action taken by the CUPA. The number submitted greatly under-represents the CUPA’s informal enforcement activity. <p>CCR, Title 27, Sections 15290 (a) [Cal/EPA]</p>	
2	<p>The inspector did not conduct a complete inspection during the Hazardous Waste Generator oversight inspection that was conducted on 03/16/10. The following was noted:</p> <ul style="list-style-type: none"> There was no determination made on whether or not the owner was required to keep a written tank assessment on file for the waste antifreeze tank certified by a qualified engineer registered in California as required by CCR, Title 22, Section 66265.192. There was no determination made on whether or not the owner was required to keep a daily written inspection log for the waste antifreeze tank as required by CCR, Title 22, Section 66265.195. There was no determination made on whether or not satellite accumulation containers for waste oil were properly labeled under CCR, Title 22, Section 66262.34(e). The inspector overlooked that accumulation start dates had not been posted on several spent fluorescent tubes as required by CCR, Title 22, Section 66273.35. <p>CCR, Title 22, Section 66265.192. CCR, Title 22, Section 66265.195. CCR, Title 22, Section 66262.34(e) CCR, Title 22, Section 66273.35 [DTSC]</p>	<p>Beginning immediately, the CUPA will obtain an engineering assessment exemption notification from the facility and determine if the facility meets the requirements for an exemption per CCR, Title 22, Section 66265.192.</p> <p>If it is determined that the facility does not qualify for the exemption and has not obtained the necessary tank assessment, the CUPA will take the appropriate graduated series of enforcement and send documentation that the facility has corrected all identified violations.</p> <p>The determination and/or enforcement actions shall be submitted with the second Deficiency Status Update due January 2, 2011.</p>
3	<p>Five out of six reviewed facility files indicated that in some instances, UST facilities are not</p>	<p>With Deficiency Status Update 1 due October 4, 2010, the CUPA will identify and submit a</p>

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

	<p>being inspected annually. Examples include:</p> <ul style="list-style-type: none"> • Chevron Station # 208066- The most recent inspection found in the file was dated August 2008. • Taylor Road Shell- The most recent inspection found in the file was dated October 2008. • Safeway Fueling Centers # 1899-8- The most recent inspection found in the file was dated September 2008. <p>HSC, Chapter 6.7, Section 25288(a) [SWRCB]</p>	<p>list of businesses that have not been inspected within the last year.</p> <p>By Deficiency Status Update 2 due January 2, 2011, the CUPA will inspect these facilities, bring these facilities into compliance, and submit copies of inspection reports and any subsequent enforcement actions taken.</p>
4	<p>The CUPA is not collecting all of the new UST data elements for permit renewals that came into effect in December 2007. File review indicates that the Unified Program Consolidated Forms (UPCF) are either outdated or missing information.</p> <p>HSC, Chapter 6.7, Section 25286 CCR, Title 23, Section 2711 CCR, Title 27, Section 15185 [SWRCB]</p>	<p>Immediately, the CUPA will continue to collect the new UST data elements.</p> <p>With Deficiency Status Update 1 due October 4, 2010, the CUPA will submit three sets of submitted and complete UPCF's A, B, and D.</p>
5	<p>The CUPA is not obtaining business plans from all handlers subject to the business plan program. Of 21 files reviewed, 4 had no business plan at all. These included three fire stations and the Placer Mosquito Vector Control District (MVCD).</p> <p>HSC, Chapter 6.95, sections 25503.5(a)(1) and 25505(a)(2) [Cal EMA and OSFM]</p>	<p>Beginning immediately, the CUPA will either obtain business plans from all handlers subject to the business plan program, or properly exempt them from the provisions of the program under HSC 25503.5(c)(3).</p> <p>With Deficiency Status Update 3 due April 2, 2011, the CUPA shall submit copies of business plans for the fire stations and MVCD and/or submit a copy of the written exemption process as signed/approved by the Fire Chief.</p>
6	<p>The CUPA is not adequately reviewing business plans to ensure completeness. Of 21 files reviewed, 15 lacked the Business Activities Page, 5 were lacking both the Emergency Response Plan and the Training Plan, one had the Emergency Response Plan, but lacked the Training Plan, and 3 had incomplete Emergency Response Plans (lacking either the State Warning Center notification, emergency medical assistance notification, or both).</p>	<p>With Deficiency status Update 2 due January 2, 2011, the CUPA shall submit copies of at least five complete business plans for hazardous materials facilities. If the CUPA chooses to implement an inventory-only submission program as discussed at the evaluation, written concurrence of the Fire Chief must be submitted.</p> <p>By April 2, 2011, the CUPA will ensure that all business plans are complete and correct.</p>

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

	HSC, Chapter 6.95, sections 25504(b) and (c) and 25505(a)(2), and CCR, Title 19, Chapter 4, sections 2729.2(a)(1), 2731(a)(2) and (3) [Cal EMA and OSFM]	
7	<p>Of 21 files reviewed, 15 did not contain a certification that the handler had performed the three-year review of the business plan. A current Business Owner/Operator Identification page does not suffice unless the certification language is added, which was the case on some of the files reviewed.</p> <p>HSC, Chapter 6.95, sections 25505(c) and 25505(a)(2) [Cal EMA]</p>	<p>By April 2, 2011, the CUPA will ensure that all business plans are either dated within the past three years, or have a certification that a three-year review has been done. The certification statement that is printed on some of the CUPA's Business Owner/Operator Identification pages may be modified to reflect a three year review of the entire business plan.</p> <p>With Deficiency status Update 2 due January 2, 2011, the CUPA shall submit an updated Business Owner/Operator Identification page that reflects the certification language needed to meet the requirements above.</p>
8	<p>The CUPA is exempting specific gases (carbon dioxide and helium) from the business plan program, but has not developed an application for this exemption, as required by the Health & Safety Code.</p> <p>HSC, Chapter 6.95, section 25503.5(c)(4) [Cal EMA]</p>	<p>Before Deficiency status Update 2 due January 2, 2011, the CUPA will develop and submit an application form for the gas exemptions and then have these filled out by the exempted businesses. The justification for the exemption may be printed on the application.</p>

CUPA Representative

Steve Anderson
(Print Name)

Original Signed
(Signature)

Evaluation Team Leader

Mary Wren-Wilson
(Print Name)

Original Signed
(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** The CUPA has an informative Web site regarding their Unified Program. Several observations were noted as follows:

- The sample business plan is linked to a PDF document on emergency response plan requirements and training program requirements.
- The hazardous materials release reporting policy does not mention additional contacts in the event of a spill/release other than 911, such as California Emergency Management Agency's State Warning Center at (800) 852-7550 or (916) 845-8911 or the National Response Center at (800) 424-8802.
- The CUPA's information on the Aboveground Petroleum Storage Act (APSA) program provides a link to the State Water Resources Control Board's (SWRCB) Web site for additional information on Spill Prevention, Control, and Countermeasure (SPCC) Plan; however, the SWRCB has no information on SPCC Plans or the APSA program.
- The CUPA provides the Tier I SPCC Plan template.
- Link to Cal/EPA under the hazardous waste generator/tiered permit program is not functional.

Recommendation: Cal/EPA recommends the CUPA update or revise the Web site with the appropriate information or link. For example, regarding the sample business plan link, either provide a link to an actual sample of a business plan or update the link's name to "emergency response plan and training program requirements." In addition, at least add the State Warning Center contacts and other state and federal contacts for spill reporting. Refer to Cal EMA's Hazardous Material Spill/Release Notification Guidance pocket guide for additional statutes/regulations, contact numbers, and pertinent links. Ensure the updated/revised Tier I SPCC Plan template is provided. The old template from US EPA's Web site may not have had all the correct information; however, a revised version of the Tier I SPCC Plan is now available on US EPA's Web site at <http://www.epa.gov/emergencies/content/spcc/tier1temp.htm>. Remove the reference to SWRCB for more information on SPCC plans; replace with US EPA's Web site at <http://www.epa.gov/emergencies/content/spcc/index.htm>. For more information on the APSA program requirements, refer to Cal/EPA's APSA Web site at <http://www1.calepa.ca.gov/CUPA/Aboveground/> and the Cal-CUPA Forum's APSA program information at http://www.calcupa.net/programs/aboveground_storage_tanks_spcc/default.asp. Ensure that the Cal/EPA link under the hazardous waste generator/tiered permitting program overview is correct and functional.

2. **Observation:** The CUPA's Hazardous Materials/Hazardous Waste Inspection Report contains a small section for the APSA program and on acutely hazardous materials under the requirements of the California Fire Code (CFC) and California

Certified Unified Program Agency (CUPA)

Evaluation Summary of Findings

Building Code (CBC). The CUPA also has a separate Fire and Life Safety Inspection Report for requirements under the CFC and CBC. The one item under the APSA section states “SPCC Plan (tank volume greater than 660 gallons or cumulative capacity greater than 1,320 gallons).” The CUPA, in coordination with Placer County Environmental Health CUPA, is in the process of developing a checklist for the APSA program that contains a comprehensive list of the APSA requirements.

Recommendation: OSFM recommends the CUPA revise (or cross out) the one APSA section statement regarding “greater than 660 gallons”. While the CUPA is in the process of developing the comprehensive APSA checklist, the CUPA may also view other sample checklists from few CUPAs, which are available on the Cal-CUPA Forum APSA Program Web site at http://www.calcupa.net/programs/aboveground_storage_tanks_spcc/local_agency_apsa_documents.asp

3. **Observation:** The CUPA was able to demonstrate that all complaints which were referred by DTSC from April 01, 2007 thru April 01, 2010 were tracked. Follow up documentation could be found for Complaints Nos. 08-0708-0534 and 10-0110-0384. Information was entered into RMS and Risk data bases.

Recommendation: DTSC recommends the CUPA ensure that all complaints are being received by the CUPA from DTSC by providing the e-mail address of the person who should receive complaints to NLancast@dtsc.ca.gov, complaint coordinator. Investigate and document all complaints referred. Investigation does not always entail inspection, as many issues may be resolved by other means such as a phone call. In any instance, it is suggested that all investigations be documented, either by inspection report or by “note to file” and placed in the facility file. Please notify the complaint coordinator of the disposition of all complaints.

4. **Observation:** During the June 17, 2009 inspection of Paul Baker Printing located at 220 Riverside Avenue in Roseville, CA, the inspector noted the illegal disposal of polluted water in drums to the sanitary sewer under RMC 14.12025 as a minor violation.

Recommendation: DTSC recommends that, in the future, samples should been taken of the illicit discharge to determine whether these materials were possibly an illegal discharge of hazardous waste under HSC 25189.

5. **Observation:** The CUPA’s UST inspection report does not distinguish among Class I, Class II, and minor violations and does not identify Significant Operational Compliance (SOC) items or provide for a summary of these items for tracking purposes during the annual compliance inspection.

Recommendation: SWRCB recommends that the CUPA modify its UST inspection report so that each violation can be classified separately to distinguish between enforcement modes for Class I, Class II and minor violations and provide a means for determining SOC compliance during the inspection. Classification of the violations and SOC criteria will assist in reporting information on the Annual Enforcement Summary Reports.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

6. **Observation:** The CUPA's UST inspection report form does not provide a place to note an owner's or facility representative's consent to inspect the facility.

Recommendation: SWRCB recommends the CUPA provide a place for consent to inspect on all inspection reports. This recommendation is based on the "Inspection Report Writing Guidance for UPA's" dated 3-21-05. This document is available upon request and can be found at <http://calepa.ca.gov/CUPA/Documents/2005/InspectionRpt.pdf>

7. **Observation:** The CUPA has not implemented the use of Red Tags.

Recommendation: The SWRCB recommends that the CUPA add Red Tag to the Inspection and Enforcement plan as an available enforcement option for future enforcement.

8. **Observation:** The CUPA inspector conducted the UST facility oversight inspection in a thorough and professional manner. His attention to detail and knowledge of code and regulations resulted in an excellent inspection. The inspector seemed to have a good working relationship with both the facility owner and the service technician; knew the facility inside and out; combined both the UST inspection with the Hazardous waste and Fire Code inspection; and performed a thorough file review. During the out brief, the inspector did an excellent job at explaining the findings and answering questions that came up.

Recommendation: None.

9. **Observation:** Regarding annual inventory submittal or certification, both a dedicated form, and a Business Owner/Operator Identification page with a certification statement seem to be available for use. Out of 21 files reviewed, 17 had business plans. Of those, two had current certifications. Of the remaining 15, 12 had Business Owner/Operator Identification pages dated within the last 12 months. This is an acceptable submission option IF there has been a change in the inventory (see 19 CCR 2729.5(b)).

Recommendation: Cal EMA recommends that the CUPA ensure the annual inventory submittal in a consistent manner. Either use the certification form, or add the certification statement to the Business Owner/Operator Identification page, or use some other method, and be consistent.

10. **Observation:** The CUPA's area plan is currently being revised and the public comment period is active at the time of the evaluation.

Recommendation: Cal EMA recommends that the CUPA ensure that all elements of Title 19, sections 2720-2728 are addressed, and that the reporting form following section 2720, or some equivalent, is included. The CUPA does not have to include the SB 391 (pesticide drift) elements, since there is no production agriculture within city limits.

- **Discretionary Assistance-** The Roseville Fire Department Standard Operating Procedure allows engine company captains or battalion chiefs to charge up to \$50.00 on a department credit card to provide for a critical need or to purchase merchandise to assist in rendering an essential service for and at no cost to the citizen. In one situation, the Life Safety/Hazardous Materials Officer was informed of a situation in which an 80 year old widow who was unable to drive had a variety of chemicals in her garage that needed proper disposal. After ascertaining that she had no family members or neighbors that could use the chemicals or help address the disposal need, he used the department's utility truck to haul them to the Western Placer Waste Management Authority for proper disposal.
- **Educational Materials-** The CUPA provides outstanding outreach and educational materials to the public and its regulated community. In addition to the standard Unified Program Consolidated Forms, fact sheets and guidance documents are available on the CUPA's Web site. The CUPA also provides, on its Web site, local guidance on the spray application of flammable finishes, guidelines on storage of incompatible materials, hazardous warning signage (based on National Fire Protection Association [NFPA] requirements). Additionally, the CUPA also sent two-page outreach letters to its businesses on November 5, 2009, regarding requirements of the APSA program.
- **Quiz-** The Roseville CUPA seeks to improve relationships with all customers through education. One way to relieve stress and educate the owner or operator of a site upon introduction is to provide a short and simple five-question quiz. The quiz accomplishes a starting light-hearted thought process for our customer to bring conversation to the here and now. The result offers laughter and open-mindedness for improvement at the start and during a stressful time for our customers. The following examples are from the quizzes:

- Financial Responsibility paperwork is required to be sent to the CUPA every other year.
____ False ____ True
- The higher the flash point of a liquid, the greater is the hazard.
____ False ____ True
- Clean up materials (pads, kitty litter, etc.) from a gasoline or diesel spill can be disposed of in the garbage bin for general pick-up.
False True

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

2. **Inspection Frequency:** The CUPA has exceeded the state-mandated triennial inspection frequency for the business plan, tiered permit, and CalARP programs by performing these inspections on an annual basis for at least the past three fiscal years. In addition, the CUPA has inspected all hazardous waste generators that have been identified by the CUPA.
3. **Compliance Incentive Program:** To provide a more favorable business climate within the city, the City of Roseville Fire Department CUPA has implemented a compliance incentive program for its regulated community. The program rewards the businesses that make the extra effort to maintain compliance with fire safety and hazardous materials requirements. To qualify for a 25 percent discount on annual CUPA permit fees, a business cannot have, within the last three years, the following: any Class I violations under Title 22 of the California Code of Regulations (CCR), any significant violations of CCR Title 23, or any life threatening violations of the California Fire Code. A business also cannot have any repeat violations noted during the previous inspection; all other violations or deficiencies must have been corrected within 30 days of the last inspection. The annual permit fees must have been paid within 30 days of the date indicated on the invoice for the previous permit year. A business may qualify for this discount each year if the meet the criteria.
4. **Consolidation of Services:** The Roseville Fire Department CUPA is implementing a “One-Stop-Shop” for air quality’s Enhanced Vapor Recovery (EVR) information and plan review. Prior to receiving Roseville’s first plan on EVR, complaints from business’ echoed long plan review and approval time frames with extensive fees. Roseville’s CUPA looks for opportunities to achieve efficiencies, effectiveness and to reduce service delivery redundancies while maintaining high standards for the citizens they serve. Three meetings with the city’s Planning and Building Departments offered a streamline approval process for EVR. The result is a 30-minute city approval process with reduced fees from all departments.
5. **Training:** The CUPA is housed in the same station with the Hazardous Materials Response Team, and has a close working relationship with the them. Roseville Fire’s HazMat team is Cal EMA typed as Type 1. 21 of these firefighters are trained to the level of HazMat Specialists, all are Weapons of Mass Destruction (WMD) trained, and all Assistant Safety Officer qualified. This is a very well trained and equipped HazMat team, and reflects the Department’s commitment to public safety.